REMARKS/ARGUMENTS

Claims 7-10 and 30-47 are active in this application.

Applicants thank Examiners Ford and Smith for the courtesy of discussing this application with the Applicants' undersigned representative on March 15, 2005.

During this discussion the undersigned requested reconsideration and withdrawal of the finality of the Office Action in view of the following. Claims 7 and 8 were not amended in the last claim amendments submitted. Although new dependent claims were added, the rejection is certainly not based on these added claims because unamended Claims 7 and 8 are also rejected under 35 U.S.C. § 103(a). According to M.P.E.P. § 706.07(a):

> "under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicants' amendment of the claims nor based on information submitted in an Information Disclosure Statement filed during the period set for under 37 C.F.R. § 1.97(c)."

Thus, in light of the fact that Claims 7 and 8 were not amended and Applicants' amendment certainly could not have been the grounds for raising this new ground of rejection, the finality of the new rejection is believed to be improper and therefore Applicants request that it be withdrawn.

Also on March 15, 2005 the undersigned explained that there were fundamental differences between the claimed invention and the publications cited in support of the 103 rejection. Specifically, it was noted that Demers (WO 99/58714) describes screening for agent/compounds that **change the expression** of type III secretory proteins and/or which **block secretion** through this pathway. Specifically, the undersigned direct the Examiner's attention to pages 1, lines 8-9, page 2, lines 14-16 and page 3, lines 1-2 of Demers. It is also worth noting that in the paragraph bridging pages 7-8 of the present application, the Applicants have also disclosed and described Demers in this manner.

In contrast, the claimed invention is to an entirely different method of identifying secreted *Chlamydia* proteins.

Neither of Graffais nor Kalman add anything substantive to the Demers' disclosure which further supports that the claimed invention would have been obvious. Specifically, it was noted that Graffais and Kalman simply describe a large number of genes from *Chlamydia*, some of which may be secreted by the type III pathway. They do not alone or in combination with Demers provide any suggestion for the method as claimed in the current application. In fact, Graffais describes many uses of the genes described such as hybridization, eliciting an immune response, and for identifying compounds which **block** *Chlamydia* pathogenesis. Graffais is silent with respect to identifying secreted proteins as claimed.

In view of the above and as urged during the discussion noted, the combination of Demers, Graffais and Kalman fail to describe a method for identifying a secreted *Chlamydia* polypeptide including the steps as set forth in independent Claims 7 and 8. As the combination of cited publications fail to describe or suggest each and every limitation of the claimed invention, Applicants request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicants also request that this application be passed to issuance.

Respectfully submitted,

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